

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

V

SANDRA MARIE TROIA,

Defendant-Appellant.

UNPUBLISHED

September 28, 2001

No. 225782

Oakland Circuit Court

LC No. 99-164566-FH

Before: Cavanagh, P.J., and Markey and Cooper, JJ.

MEMORANDUM.

Defendant appeals by right her jury convictions of assault and battery, MCL 750.81, and unlawful use of a self-defense spray device, MCL 750.224d(2), for which she was sentenced to two years' probation with the first ninety days in jail. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's sole claim on appeal is that the evidence was insufficient to sustain the conviction for unlawful use of a self-defense spray device. Witnesses testified that defendant sprayed the victim with pepper spray. The canister's label indicated that it contained two percent oleoresin capsicum. A laboratory analysis confirmed that the solution in the canister contained oleoresin capsicum but did not identify its concentration. Defendant contends that the evidence was insufficient to prove that the solution in the device contained not more than two percent oleoresin capsicum, MCL 750.224d(1)(a)(ii), because the contents of the label were inadmissible hearsay. Defendant has failed to preserve the issue for appeal by citation to appropriate supporting authority. *People v Kelly*, 231 Mich App 627, 640-641; 588 NW2d 480 (1998); *People v Piotrowski*, 211 Mich App 527, 530; 536 NW2d 293 (1995).

We affirm.

/s/ Mark J. Cavanagh

/s/ Jane E. Markey

/s/ Jessica R. Cooper